



## Transcript of **APRIL MARIE RECTOR**

**Date:** November 17, 2014

**Case:** MAHDAVI v. NEXTGEAR CAPITAL, INC., ET AL

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DEPOSITION OF CORPORATE DESIGNEE, APRIL MARIE RECTOR  
CONDUCTED ON MONDAY, NOVEMBER 17, 2014

1 (Pages 1 to 4)

1	<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE EASTERN DISTRICT OF VIRGINIA</p> <p>3 Alexandria Division</p> <p>4 -----x</p> <p>5 JODI C. MAHDAVI, :</p> <p>6 Plaintiff, :</p> <p>7 v. : Case No.:</p> <p>8 NEXTGEAR CAPITAL, INC., et : 1:14-cv-00648-TSE-TCB</p> <p>9 al., :</p> <p>10 Defendants. :</p> <p>11 -----x</p> <p>12</p> <p>13 Deposition of PAR SERVICES, INC.,</p> <p>14 By and through its Corporate Designee,</p> <p>15 APRIL MARIE RECTOR</p> <p>16 Washington, DC</p> <p>17 Monday, November 17, 2014</p> <p>18 2:32 p.m.</p> <p>19</p> <p>20 Job No.: 70226</p> <p>21 Pages: 1 - 55</p> <p>22 Reported By: Lee Bursten, RMR, CRR</p>	3
2	<p>1 A P P E A R A N C E S</p> <p>2 ON BEHALF OF PLAINTIFF:</p> <p>3 JONATHAN EDWARD LEVINE, ESQUIRE</p> <p>4 LEVINE DANIELS &amp; ALLNUTT PLLC</p> <p>5 5311 Lee Highway</p> <p>6 Arlington, Virginia 22207</p> <p>7 (703) 525-2668</p> <p>8</p> <p>9 ON BEHALF OF DEFENDANT PAR SERVICES INC.:</p> <p>10 JAMES N. MARKELS, ESQUIRE</p> <p>11 JACKSON &amp; CAMPBELL PC</p> <p>12 1120 Twentieth Street, NW, South Tower</p> <p>13 Washington, DC 20036</p> <p>14 (202) 457-1600</p> <p>15</p> <p>16 ON BEHALF OF DEFENDANT NEXTGEAR CAPITAL INC.:</p> <p>17 JAMES D. BRAGDON, ESQUIRE</p> <p>18 GALLAGHER EVELIUS &amp; JONES LLP</p> <p>19 218 North Charles Street, Suite 400</p> <p>20 Baltimore, Maryland 21201</p> <p>21 (410) 727-7702</p> <p>22</p>	4
3	<p>1 Deposition of PAR SERVICES, INC., By and</p> <p>2 through its Corporate Designee, APRIL MARIE RECTOR,</p> <p>3 held at the offices of:</p> <p>4</p> <p>5</p> <p>6 JACKSON &amp; CAMPBELL PC</p> <p>7 1120 Twentieth Street, NW</p> <p>8 South Tower</p> <p>9 Washington, DC 20036</p> <p>10 (202) 457-1600</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 Pursuant to agreement, before Lee Bursten,</p> <p>16 Registered Merit Reporter, Certified Realtime</p> <p>17 Reporter, and Notary Public in and for the District</p> <p>18 of Columbia, who officiated in administering the oath</p> <p>19 to the witness.</p> <p>20</p> <p>21</p> <p>22</p>	4
4	<p>1 C O N T E N T S</p> <p>2 EXAMINATION OF APRIL MARIE RECTOR PAGE</p> <p>3 By Mr. Levine 5</p> <p>4</p> <p>5</p> <p>6 E X H I B I T S</p> <p>7 (Attached to transcript. Exhibit 2 was not introduced.)</p> <p>8 PAR DEPOSITION EXHIBITS PAGE</p> <p>9 Exhibit 1 Notice of Deposition 6</p> <p>10 Exhibit 3 Defendant PAR Services Inc.'s 18</p> <p>11 Answers to Plaintiff's First Set</p> <p>12 of Interrogatories</p> <p>13 Exhibit 4 Defendant PAR Services Inc.'s 19</p> <p>14 Responses to Plaintiff's First</p> <p>15 Request for Production of</p> <p>16 Documents</p> <p>17 Exhibit 5 PAR document production 20</p> <p>18 Exhibit 6 Maryland Notice of Security 39</p> <p>19 Interest Filing</p> <p>20 Exhibit 7 Mahdavi letter to PAR, 5/23/14 43</p> <p>21</p> <p>22</p>	4

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5	<p>1 PROCEEDINGS</p> <p>2 APRIL MARIE RECTOR</p> <p>3 having been duly sworn/affirmed, testified as</p> <p>4 follows:</p> <p>5 EXAMINATION BY COUNSEL FOR PLAINTIFF</p> <p>6 BY MR. LEVINE:</p> <p>7 Q Would you please state your name.</p> <p>8 A <b>Sure, it's April Marie Rector.</b></p> <p>9 Q And who is your employer?</p> <p>10 A <b>PAR Services.</b></p> <p>11 Q And where is PAR Services located?</p> <p>12 A <b>We're in Clinton, Maryland.</b></p> <p>13 Q And do you work in Clinton, Maryland?</p> <p>14 A <b>I do.</b></p> <p>15 Q And what's the address in Clinton?</p> <p>16 A <b>6504 Yochelson Place. And the zip code is</b></p> <p>17 <b>20735.</b></p> <p>18 Q And what's your job title?</p> <p>19 A <b>Manager.</b></p> <p>20 Q And what are your day-to-day</p> <p>21 responsibilities?</p> <p>22 A <b>Day-to-day, just kind of watch over</b></p>	7	<p>1 MR. MARKELS: Is there a question pending?</p> <p>2 I'm sorry.</p> <p>3 MR. LEVINE: I just asked her if she could</p> <p>4 review it.</p> <p>5 A <b>Sure.</b></p> <p>6 <b>Okay. Yes.</b></p> <p>7 BY MR. LEVINE:</p> <p>8 Q Have you seen this document before?</p> <p>9 A <b>I don't recall seeing this one before.</b></p> <p>10 Q Do you understand you're here as the</p> <p>11 corporate representative for PAR Services?</p> <p>12 A <b>Yes.</b></p> <p>13 Q And to give testimony on the subject</p> <p>14 matters that are identified in this notice of</p> <p>15 deposition?</p> <p>16 A <b>Yes. I've gotten so many documents on it,</b></p> <p>17 <b>so everything kind of looks the same; but I</b></p> <p>18 <b>understand why I'm here.</b></p> <p>19 Q Sure. Now, the notice of deposition</p> <p>20 identifies several subject matters that you're called</p> <p>21 on to give testimony to. And are you here to give</p> <p>22 testimony on each of these items?</p>
6	<p>1 <b>everything, any problems that come in I take care of,</b></p> <p>2 <b>handle the insurance. Just managing the office</b></p> <p>3 <b>employees, things of that nature.</b></p> <p>4 Q What kind of business is PAR Services?</p> <p>5 A <b>It's a repossession company.</b></p> <p>6 Q Does it do general towing or just</p> <p>7 repossessions?</p> <p>8 A <b>Just repossessions.</b></p> <p>9 Q And how long have you been at PAR Services?</p> <p>10 A <b>I've been there 15 years.</b></p> <p>11 Q And how long have you been a manager there?</p> <p>12 A <b>About ten years.</b></p> <p>13 Q So you were a manager in May of 2014?</p> <p>14 A <b>Yes.</b></p> <p>15 Q And are you familiar with the facts and</p> <p>16 circumstances of this case?</p> <p>17 A <b>Yes.</b></p> <p>18 Q Okay. And I would like for you to take a</p> <p>19 look at what's been marked as PAR 1.</p> <p>20 (PAR Exhibit 1 was marked for</p> <p>21 identification and attached to the deposition</p> <p>22 transcript.)</p>	8	<p>1 A <b>In this deposition here?</b></p> <p>2 MR. MARKELS: To the extent that PAR knows</p> <p>3 them.</p> <p>4 A <b>Yes, so whatever questions I can answer.</b></p> <p>5 MR. LEVINE: I'll just ask you, don't</p> <p>6 instruct your witness. You can give an objection.</p> <p>7 MR. MARKELS: I'm just saying, she can only</p> <p>8 testify as PAR's representative as to what PAR knows</p> <p>9 personally.</p> <p>10 MR. LEVINE: I understand. That's a</p> <p>11 direction telling your witness how to testify. You</p> <p>12 can object, that's fine. I would appreciate it if</p> <p>13 you would not give instructions like that.</p> <p>14 BY MR. LEVINE:</p> <p>15 Q Are there any of the designations that you</p> <p>16 are unable to testify to?</p> <p>17 MR. MARKELS: I'm going to object as to</p> <p>18 form. Go ahead and answer.</p> <p>19 A <b>Can you repeat that question one more time?</b></p> <p>20 <b>I'm sorry.</b></p> <p>21 BY MR. LEVINE:</p> <p>22 Q Sure. Of the subject matters that are</p>

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9	<p>1 identified in the notice, are there any of them that</p> <p>2 you are unable to provide testimony to?</p> <p>3 <b>A Yes.</b></p> <p>4 <b>Q Okay. Which one?</b></p> <p>5 <b>A Okay. So there's -- there's a few. Okay.</b></p> <p>6 <b>So the chain of title of the BMW, I don't understand</b></p> <p>7 <b>that.</b></p> <p>8 <b>Q Is that because you don't have any</b></p> <p>9 <b>information on that?</b></p> <p>10 <b>A Right. I just have information on what was</b></p> <p>11 <b>supplied to us by NextGear.</b></p> <p>12 <b>Q Okay. But there's nobody else at PAR</b></p> <p>13 <b>Services who would have information on the chain of</b></p> <p>14 <b>title?</b></p> <p>15 <b>A No.</b></p> <p>16 <b>Q So you are able to testify that PAR</b></p> <p>17 <b>Services has no information on the chain of title?</b></p> <p>18 <b>A Correct.</b></p> <p>19 <b>Q Okay. That's fine. So to me that would</b></p> <p>20 <b>be, you can testify on that, just you would testify</b></p> <p>21 <b>what information PAR Services has on that subject</b></p> <p>22 <b>matter.</b></p>	11	<p>1 <b>subject BMW.</b></p> <p>2 <b>Q So PAR Services has no information on</b></p> <p>3 <b>NextGear's interest in the --</b></p> <p>4 <b>A Well, no, I'm sorry. No.</b></p> <p>5 <b>I can't answer question number 25, PAR</b></p> <p>6 <b>Services's allegation that plaintiff does not have</b></p> <p>7 <b>good title to the subject BMW. That would be a</b></p> <p>8 <b>question that I would have to direct towards</b></p> <p>9 <b>NextGear. I just know the information that was</b></p> <p>10 <b>provided to me. So I don't know -- that's a question</b></p> <p>11 <b>that I don't think I would be able to answer.</b></p> <p>12 <b>Q Okay. Is there anyone at PAR Services who</b></p> <p>13 <b>would have any information on whether or not</b></p> <p>14 <b>Mrs. Mahdavi had good title to the BMW?</b></p> <p>15 <b>A No. I think that may be -- okay. I think</b></p> <p>16 <b>that may be -- I mean, I should be able to provide</b></p> <p>17 <b>you with answers to the best of my knowledge on the</b></p> <p>18 <b>rest of the information that's here.</b></p> <p>19 <b>Q Okay. Thank you. Have you ever given a</b></p> <p>20 <b>deposition before?</b></p> <p>21 <b>A I have.</b></p> <p>22 <b>Q And so you understand that if you don't</b></p>
10	<p>1 <b>A Correct.</b></p> <p>2 <b>Q Can we be in agreement on that?</b></p> <p>3 <b>A Yes.</b></p> <p>4 <b>Q Okay.</b></p> <p>5 <b>A I mean, some of these questions I don't</b></p> <p>6 <b>really understand. You may have to, you know, break</b></p> <p>7 <b>them down for me a little bit. There may be some</b></p> <p>8 <b>things that I don't understand. Do you want me to</b></p> <p>9 <b>look through each individual one and tell you which</b></p> <p>10 <b>ones I don't understand?</b></p> <p>11 <b>Q You can do that, sure.</b></p> <p>12 <b>A Okay. Or are we going to go through these</b></p> <p>13 <b>one by one?</b></p> <p>14 <b>Q Probably not one by one.</b></p> <p>15 <b>A Okay.</b></p> <p>16 <b>Q Not individually.</b></p> <p>17 <b>A Okay. Because there's some information on</b></p> <p>18 <b>here that -- or some of the questions that I think I</b></p> <p>19 <b>would have to refer to NextGear.</b></p> <p>20 <b>Q Okay. Which ones?</b></p> <p>21 <b>A Well, like the chain of title, for example,</b></p> <p>22 <b>that would be one. NextGear's interest in the</b></p>	12	<p>1 understand a question, please let me know.</p> <p>2 <b>A Yes.</b></p> <p>3 <b>Q Okay. And if you don't say anything, I'm</b></p> <p>4 <b>going to assume that you understand my question. Is</b></p> <p>5 <b>that fair?</b></p> <p>6 <b>A That's fair.</b></p> <p>7 <b>Q How many times have you been deposed?</b></p> <p>8 <b>A One.</b></p> <p>9 <b>Q And when was this?</b></p> <p>10 <b>A That was approximately a year ago.</b></p> <p>11 <b>Q And where was this?</b></p> <p>12 <b>A Which state?</b></p> <p>13 <b>Q Yes.</b></p> <p>14 <b>A It was in Maryland.</b></p> <p>15 <b>Q And do you recall what the case was about?</b></p> <p>16 <b>A It was a driver that we had working for us</b></p> <p>17 <b>at the time, was involved in an accident, and then I</b></p> <p>18 <b>just had to give testimony as to what his pay was,</b></p> <p>19 <b>his yearly pay, year to date, things like that, if he</b></p> <p>20 <b>was full-time, part-time employee.</b></p> <p>21 <b>Q Okay. And was this in a lawsuit?</b></p> <p>22 <b>A It was.</b></p>

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13	<p>1 Q And was PAR Services a defendant?</p> <p>2 A No. The driver that worked for us was</p> <p>3 suing the person that had hit him, was basically</p> <p>4 suing that company, and that insurance company.</p> <p>5 Q It didn't involve a repossession?</p> <p>6 A No. No. It had nothing to do with a</p> <p>7 repossession. He was driving a rollback and got</p> <p>8 rear-ended.</p> <p>9 Q Have there been any other lawsuits against</p> <p>10 PAR Services or relating to an allegation that PAR</p> <p>11 Services improperly repossessed a vehicle?</p> <p>12 MR. MARKELS: Objection, relevance. Go</p> <p>13 ahead.</p> <p>14 A Not that I can recall, like recently in the</p> <p>15 past year. No. Not that I can recall at the moment.</p> <p>16 BY MR. LEVINE:</p> <p>17 Q Other than your attorney, have you</p> <p>18 discussed the facts of this case with anybody?</p> <p>19 A Not after the repossession took place.</p> <p>20 Like as far as any -- as far as giving information</p> <p>21 for attorneys and such, no.</p> <p>22 Q So in preparing for your deposition, you</p>	15	<p>1 mean, originally we were notified by Ms. Mahdavi's</p> <p>2 attorney's office, which I don't believe it was you,</p> <p>3 it was a female I had spoken to once or twice before</p> <p>4 from your office. And that -- you know, and then we</p> <p>5 did the repossession, and then there was obviously</p> <p>6 some issues.</p> <p>7 And that's how we got involved, after the</p> <p>8 repossession.</p> <p>9 Q Other than yourself, is there anyone else</p> <p>10 at PAR Services who would have firsthand knowledge of</p> <p>11 the repossession?</p> <p>12 A The agent that repossessed the vehicle.</p> <p>13 Q Who is that?</p> <p>14 A Terrence Kelley.</p> <p>15 Q Is that K-E-L-L-Y?</p> <p>16 A K-E-L-L-E-Y.</p> <p>17 Q Is he a PAR Services employee?</p> <p>18 A He is.</p> <p>19 Q And he was employed by PAR Services on the</p> <p>20 date the BMW was repossessed?</p> <p>21 A He was, yes.</p> <p>22 Q And he was acting within the scope of his</p>
14	<p>1 only spoke with your attorney?</p> <p>2 A Correct.</p> <p>3 Q Did you review any documents in preparation</p> <p>4 for the deposition?</p> <p>5 A Just the documents that had been mailed to</p> <p>6 me I believe by your office, just the things -- you</p> <p>7 guys sent like a big stack of -- I was always getting</p> <p>8 something in the mail. So just that was pretty much</p> <p>9 it. I mean, other than that, no. There's not a</p> <p>10 whole lot to review.</p> <p>11 Q Okay. Did anyone from NextGear provide any</p> <p>12 documents to you?</p> <p>13 A No, not that I recall. No.</p> <p>14 Q So what's your basis for the knowledge of</p> <p>15 the facts and circumstances of this case?</p> <p>16 A As far as how are we involved, or like...</p> <p>17 Q How are you personally aware of PAR</p> <p>18 Services's involvement?</p> <p>19 A With the repossession or with the current</p> <p>20 lawsuit that's going on?</p> <p>21 Q Let's start with the current lawsuit.</p> <p>22 A Okay. Just notification through mail. I</p>	16	<p>1 employment?</p> <p>2 A He was.</p> <p>3 Q Have you discussed the repossession of the</p> <p>4 vehicle with Mr. Kelley?</p> <p>5 A Just what occurred the night of the</p> <p>6 repossession.</p> <p>7 Q When did you discuss that with him?</p> <p>8 A When it happened.</p> <p>9 Q And subsequent to that, did you have any</p> <p>10 discussions with Mr. Kelley about the repossession?</p> <p>11 A No. Just after it happened, just getting,</p> <p>12 you know, the information from him as far as what</p> <p>13 occurred, you know, after that. I mean, it was just</p> <p>14 what happened the night of the repossession.</p> <p>15 Q And what did he tell you had happened the</p> <p>16 night of the repossession?</p> <p>17 A He went out to the location that was</p> <p>18 provided to us by NextGear Capital. He attempted to</p> <p>19 repossess the BMW, knocked on the door to try and</p> <p>20 obtain the keys, and I believe it was Ms. Mahdavi</p> <p>21 that had come to the door. She contacted her</p> <p>22 husband, who advised her not to turn the car over.</p>

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17	<p>1 And so once he -- you know, once</p> <p>2 Ms. Mahdavi and her husband I guess spoke or whatnot,</p> <p>3 that she was not giving the keys up. So he left. He</p> <p>4 hooked up to the car, which actually the car was</p> <p>5 already hooked up. He knocked on the door after he</p> <p>6 hooked it up to get the keys, and he left.</p> <p>7 At which time, when he left, he left, he</p> <p>8 stopped at a 7-Eleven not far from her house, went</p> <p>9 inside, got some things, and then he was leaving the</p> <p>10 parking lot of the 7-Eleven and he was approached by</p> <p>11 a male driving another vehicle who tried to block him</p> <p>12 in. He assumed it was Ms. Mahdavi's husband, because</p> <p>13 he knew she had been on the phone with her -- with</p> <p>14 him. So he left. The guy tried to run him off the</p> <p>15 road a couple of times.</p> <p>16 He found there was some roadwork going on.</p> <p>17 He pulled over to where the cops were. He got out,</p> <p>18 advised them what was happening. The gentleman who</p> <p>19 actually tried to run him off the road, which I</p> <p>20 believe was Ms. Mahdavi's husband, he got out as</p> <p>21 well. They all had to give their IDs or</p> <p>22 identification to the police officers who were there.</p>	19	<p>1 Q Take a moment to review this document.</p> <p>2 A Okay.</p> <p>3 Q And the answer to question number 1 states</p> <p>4 that you were the person who answered, assisted, or</p> <p>5 provided the information for the interrogatories with</p> <p>6 the assistance of counsel?</p> <p>7 A Correct.</p> <p>8 Q And that nobody else other than counsel</p> <p>9 assisted?</p> <p>10 A Correct.</p> <p>11 Q And are all the answers true and accurate</p> <p>12 to the best of your knowledge?</p> <p>13 A Yes. Yes. No, everything's correct. I</p> <p>14 was just -- yes. Everything is accurate.</p> <p>15 (PAR Exhibit 4 was marked for</p> <p>16 identification and attached to the deposition</p> <p>17 transcript.)</p> <p>18 BY MR. LEVINE:</p> <p>19 Q Take a moment and review this document.</p> <p>20 A Okay.</p> <p>21 Q It's been marked as PAR 4.</p> <p>22 A Okay.</p>
18	<p>1 And so the police officers made the</p> <p>2 determination that we were within the law to take the</p> <p>3 vehicle and allowed the driver to proceed.</p> <p>4 Q Do you know the name of that officer?</p> <p>5 A It's on the -- there was a copy, and I</p> <p>6 believe everybody should have a copy of it. It has</p> <p>7 my business card and also has a case number and I</p> <p>8 believe also has the officer's number on there, or</p> <p>9 name and badge number.</p> <p>10 Q And you know all this from what Mr. Kelley</p> <p>11 told you?</p> <p>12 A Correct.</p> <p>13 Q Did you ever speak to the police officer?</p> <p>14 A I did not.</p> <p>15 Q Did you speak to Mr. Mahdavi?</p> <p>16 A I did not.</p> <p>17 Q Have you ever spoken to Mrs. Mahdavi?</p> <p>18 A I have not.</p> <p>19 (PAR Exhibit 3 was marked for</p> <p>20 identification and attached to the deposition</p> <p>21 transcript.)</p> <p>22 BY MR. LEVINE:</p>	20	<p>1 Q Are you familiar with this document?</p> <p>2 A I mean, there was so much -- I mean, yeah.</p> <p>3 Yes. It all seems the same to me.</p> <p>4 Q To the best of your knowledge, is</p> <p>5 everything true and accurate?</p> <p>6 A Yes. Oh, okay. Yes, this is -- these are</p> <p>7 the emails here. Let me just take a look at this.</p> <p>8 Q I've got a stack of documents marked as PAR</p> <p>9 5.</p> <p>10 (PAR Exhibit 5 was marked for</p> <p>11 identification and attached to the deposition</p> <p>12 transcript.)</p> <p>13 A Okay.</p> <p>14 BY MR. LEVINE:</p> <p>15 Q Are you familiar with those documents?</p> <p>16 A Yes.</p> <p>17 Q Those documents were produced by PAR in</p> <p>18 response to the request for production of documents?</p> <p>19 A Yes.</p> <p>20 Q Does PAR have anything to add in response</p> <p>21 to the request for production of documents?</p> <p>22 MR. MARKELS: I'll just note, counsel, I</p>



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<p style="text-align: right;">21</p> <p>1 sent you an email Friday with three additional</p> <p>2 documents that were attached to it, 77 to 79.</p> <p>3 MR. LEVINE: Oh, okay.</p> <p>4 MR. MARKELS: I mean, I did.</p> <p>5 MR. LEVINE: Okay.</p> <p>6 MR. MARKELS: But barring that, go ahead</p> <p>7 and answer.</p> <p>8 BY MR. LEVINE:</p> <p>9 Q Okay. With what counsel has said, and if</p> <p>10 he says he sent it, I will go and look.</p> <p>11 MR. LEVINE: Do you recall what they were?</p> <p>12 MR. MARKELS: There was one that was -- if</p> <p>13 you want to, I can go get you copies. One was sort</p> <p>14 of a report, inspection report of the BMW that has a</p> <p>15 stamp on it from Manheim showing it had been</p> <p>16 received. Another one was a -- it had like the</p> <p>17 police officer's ID as well as Ms. Rector's ID, as</p> <p>18 well as some notes about the police officer case.</p> <p>19 And then the last one was a fax cover page</p> <p>20 from PenFed to PAR Services. Does that sound</p> <p>21 familiar?</p> <p>22 MR. LEVINE: Is that it?</p>	<p style="text-align: right;">23</p> <p>1 additional responsive documents?</p> <p>2 A No, not to my knowledge. It was very</p> <p>3 limited.</p> <p>4 Q Now, what's the relationship between PAR</p> <p>5 Services and NextGear?</p> <p>6 A NextGear is a client of ours. A business</p> <p>7 relationship. We repossess vehicles for them.</p> <p>8 Q How long has there been a business</p> <p>9 relationship between them?</p> <p>10 A For several years. At least four, five.</p> <p>11 Q Is there a written contract between PAR</p> <p>12 Services and NextGear?</p> <p>13 A Yes. When we initially started doing</p> <p>14 business for them, there was a contract with a fee</p> <p>15 schedule that was signed with NextGear. But I have</p> <p>16 not located that contract yet, the original from day</p> <p>17 one. And it may be something that I can pull and</p> <p>18 submit. I just haven't been able to go through all</p> <p>19 my records yet.</p> <p>20 Q Okay. And are you usually the point of</p> <p>21 contact for PAR Services, between PAR Services and</p> <p>22 NextGear?</p>
<p style="text-align: right;">22</p> <p>1 MR. MARKELS: What does it say at the</p> <p>2 bottom?</p> <p>3 MR. LEVINE: "Per Pentagon this is her</p> <p>4 employer info."</p> <p>5 MR. MARKELS: We had it marked PAR</p> <p>6 Services.</p> <p>7 MR. LEVINE: This looks like 75. Here's</p> <p>8 76. So what were the pages?</p> <p>9 MR. MARKELS: 77 through 79.</p> <p>10 MR. LEVINE: 77 through 79. I don't think</p> <p>11 I have those. Can we take a quick two-minute break,</p> <p>12 you can run and get them.</p> <p>13 (Recess.)</p> <p>14 MR. LEVINE: So we are adding to what's</p> <p>15 been marked as PAR 5, we are adding to that Bates</p> <p>16 stamped documents PAR Services 000077, 78, and 79.</p> <p>17 MR. MARKELS: Yes.</p> <p>18 BY MR. LEVINE:</p> <p>19 Q So now this is everything that's been</p> <p>20 produced by PAR Services in this matter?</p> <p>21 A Yes.</p> <p>22 Q And to your knowledge, there's no</p>	<p style="text-align: right;">24</p> <p>1 A I have been recently. Over the years,</p> <p>2 though, it's changed. There's been different people</p> <p>3 that, you know, have worked with NextGear.</p> <p>4 Q Yes. So how about in April/May of 2014?</p> <p>5 A I had direct contact with NextGear at that</p> <p>6 time.</p> <p>7 Q How about Denny Par [sic]?</p> <p>8 A Yes. He was originally sent the</p> <p>9 information in reference to the vehicle driven by</p> <p>10 Ms. Mahdavi.</p> <p>11 Q The BMW?</p> <p>12 A Correct.</p> <p>13 Q And --</p> <p>14 A And the other vehicles that were listed on</p> <p>15 the -- there was a repossession log sheet that had</p> <p>16 numerous vehicles listed on it.</p> <p>17 Q That log was sent to Denny Par [sic]?</p> <p>18 A Correct. It was emailed to him.</p> <p>19 Q Okay. And do you know who emailed it to</p> <p>20 him?</p> <p>21 A That would have been Dave Freeman. But</p> <p>22 there were other -- it kind of was like an email</p>

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25	<p>1 where several people were listed on it. But it was</p> <p>2 emailed to Denny from Dave Freeman.</p> <p>3 Q Okay. And do you know if that email has</p> <p>4 been produced?</p> <p>5 A Yes. That email is in PAR 5. So the</p> <p>6 initial email starts on page 69 and it goes to page</p> <p>7 74.</p> <p>8 Q Okay. And Dennis Rector, Denny Rector?</p> <p>9 A Yes.</p> <p>10 Q Now, during Mr. Freeman's deposition, he</p> <p>11 called him Denny Par. Is that incorrect?</p> <p>12 A Yes.</p> <p>13 Q It's Denny Rector?</p> <p>14 A Denny Rector, yes.</p> <p>15 Q And what's your relationship to Denny</p> <p>16 Rector?</p> <p>17 A He's my brother.</p> <p>18 Q So is PAR Services a family business?</p> <p>19 A Yes.</p> <p>20 Q Now, what did PAR Services do in</p> <p>21 determining the location of the BMW?</p> <p>22 A We did not determine the location. Dave</p>	27	<p>1 out there and, you know, pinpoints the vehicles that</p> <p>2 need to be picked up, and then gives the drivers the</p> <p>3 paperwork there. They'll have a list. And then</p> <p>4 he'll give them some more paperwork.</p> <p>5 Q What kind of paperwork does he usually</p> <p>6 give?</p> <p>7 A A list similar to this. Or -- you know, a</p> <p>8 list like this. I would have to pull other files</p> <p>9 that we've done for him to, you know, let you know</p> <p>10 for sure exactly what the paperwork is, because I</p> <p>11 don't know off the top of my head.</p> <p>12 Q Okay. But in this instance, he did not --</p> <p>13 Mr. Freeman did not meet your driver when the vehicle</p> <p>14 was repossessed?</p> <p>15 A No.</p> <p>16 MR. MARKELS: Wait until he asks the</p> <p>17 question. We had this problem in the last</p> <p>18 deposition. It's common. Wait until he asks his</p> <p>19 question.</p> <p>20 THE WITNESS: Okay.</p> <p>21 MR. MARKELS: Go ahead.</p> <p>22 BY MR. LEVINE:</p>
26	<p>1 Freeman contacted Denny and said he had spotted the</p> <p>2 vehicle at the residence's address. He gave us the</p> <p>3 address and asked us to go there and repossess the</p> <p>4 BMW.</p> <p>5 Q And other than providing a list of vehicles</p> <p>6 in the email attachment -- is that PAR Services</p> <p>7 000073?</p> <p>8 A Oh, I'm sorry. What was the question?</p> <p>9 Q On 73, is that the list of vehicles that</p> <p>10 Mr. Freeman provided?</p> <p>11 A Yes, that would be the list of vehicles.</p> <p>12 73 and page 74.</p> <p>13 Q Okay. And did Mr. Freeman provide any</p> <p>14 title work for any of the vehicles?</p> <p>15 A No. He did not. And generally they do</p> <p>16 not, because we repossess such a large number of</p> <p>17 vehicles for them, they send us the list over because</p> <p>18 they finance dealerships, and Dave typically goes out</p> <p>19 to the dealership and will call us and tell us, okay,</p> <p>20 I've spotted five out of ten cars, they're here at</p> <p>21 this dealership, come pick them up.</p> <p>22 And most of the time, he meets my driver</p>	28	<p>1 Q Mr. Freeman did not meet your driver when</p> <p>2 the BMW was repossessed?</p> <p>3 A He did not.</p> <p>4 Q The BMW was on Mrs. Mahdavi's property when</p> <p>5 it was repossessed?</p> <p>6 A It was at the address that Dave provided</p> <p>7 for us. I'm assuming that's Ms. Mahdavi's property.</p> <p>8 Q But it was in her driveway?</p> <p>9 A It was in the driveway of the address -- I</p> <p>10 believe this is the address here, 915 Fairway Drive.</p> <p>11 Yes, the vehicle was sitting in the driveway at the</p> <p>12 address provided.</p> <p>13 Q Did Mr. Kelley tell you that?</p> <p>14 A He verified the vehicle was there, yes.</p> <p>15 He -- because they can't take a vehicle unless they</p> <p>16 check the VIN number to make sure it matches up with</p> <p>17 the paperwork.</p> <p>18 Q Okay. So he entered onto Mrs. Mahdavi's</p> <p>19 property?</p> <p>20 A He did.</p> <p>21 Q And checked the VIN while on her property?</p> <p>22 A He did.</p>



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29	<p>1 Q Did he have permission to be on her</p> <p>2 property?</p> <p>3 A He -- whenever we do a repossession, we can</p> <p>4 go onto the address and pick up the car, as long as</p> <p>5 we don't breach the peace, and leave.</p> <p>6 Q What time of day was this that the car was</p> <p>7 repossessed?</p> <p>8 A I don't know the exact time, but in the</p> <p>9 early morning hours.</p> <p>10 Q It was about 1:30 in the morning?</p> <p>11 A Possibly.</p> <p>12 Q And he rang the doorbell at 1:30 in the</p> <p>13 morning?</p> <p>14 A He knocked on the door.</p> <p>15 Q Did he ascertain whether anyone was home at</p> <p>16 the time?</p> <p>17 A No.</p> <p>18 Q Do you know, did he ascertain whether</p> <p>19 people were sleeping at 1:30 in the morning?</p> <p>20 A No.</p> <p>21 Q Okay. What did he tell you happened when</p> <p>22 he rang the doorbell?</p>	31	<p>1 A I don't know.</p> <p>2 Q Other than checking the VIN number of the</p> <p>3 vehicle, did PAR Services do anything to ascertain</p> <p>4 who had title to the BMW?</p> <p>5 A No.</p> <p>6 Q Is that typical, when you're repossessing a</p> <p>7 vehicle, that you don't check to see who has title to</p> <p>8 the vehicle?</p> <p>9 MR. MARKELS: Objection, relevance. Go</p> <p>10 ahead.</p> <p>11 THE WITNESS: Am I supposed to answer that?</p> <p>12 MR. MARKELS: Yes.</p> <p>13 THE WITNESS: Okay.</p> <p>14 A The way it works, our client sends over a</p> <p>15 repossession order. We go out to pick the vehicle</p> <p>16 up. It's up to our client to produce that</p> <p>17 information. They don't generally send us a title to</p> <p>18 a vehicle, no.</p> <p>19 BY MR. LEVINE:</p> <p>20 Q Okay. When you say it's up to the client</p> <p>21 to send that information, do you mean information on</p> <p>22 the title?</p>
30	<p>1 A He told me he hooked up to the vehicle and</p> <p>2 knocked on the door to see if he could get the keys,</p> <p>3 that there was a light on, and he went to the door,</p> <p>4 knocked on the door, rang the doorbell, whatever it</p> <p>5 was, and Ms. Mahdavi came to the door.</p> <p>6 Q So he noticed a light on before he knocked</p> <p>7 on the door?</p> <p>8 A He said there was a light on, and then he</p> <p>9 knocked on the door, if I can recall from -- I don't</p> <p>10 know exactly, you know, what order he did that in.</p> <p>11 Q Okay. Do you know which light was on?</p> <p>12 A He said there was a light on, so I don't</p> <p>13 know. I'm not going to say, because I'm not going to</p> <p>14 assume.</p> <p>15 Q Okay. Did he say how long it took</p> <p>16 Mrs. Mahdavi to come to the door after he knocked on</p> <p>17 it?</p> <p>18 A He did not.</p> <p>19 Q Are you aware of how long it took?</p> <p>20 A I am not.</p> <p>21 Q Do you know whether she was awake or sleep</p> <p>22 at the time he knocked?</p>	32	<p>1 A For example, you're asking me if we had a</p> <p>2 title to the vehicle. No, we did not. We didn't</p> <p>3 need a title to repossess it. We rely on the client</p> <p>4 to have that information on their end.</p> <p>5 Q So you just assume your client has good</p> <p>6 title?</p> <p>7 A Correct.</p> <p>8 Q Where did Mr. Kelley take the BMW after he</p> <p>9 left the scene with the police officer?</p> <p>10 A He took it back to our storage facility in</p> <p>11 Clinton, Maryland.</p> <p>12 Q Okay. And so about what time did he arrive</p> <p>13 in Clinton?</p> <p>14 A I don't know.</p> <p>15 Q And do you know what he did with the</p> <p>16 vehicle when he got to the storage facility?</p> <p>17 A It was put into our storage lot and</p> <p>18 secured.</p> <p>19 Q Is that indoors, outdoors?</p> <p>20 A Outdoors, with a -- you know, we have a</p> <p>21 locked gate. We have an individual who manages the</p> <p>22 lot who checks the individuals in.</p>

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33	<p>1 Q And who is that?</p> <p>2 A His name is Joseph Atchison.</p> <p>3 Q Did PAR Services perform any kind of</p> <p>4 inventory of the contents of the vehicle?</p> <p>5 A When the vehicle initially came in, it was</p> <p>6 locked, and it remained locked for several days,</p> <p>7 until we received something in the mail stating -- it</p> <p>8 was like a certified letter I think Ms. Mahdavi had</p> <p>9 sent in stating that she had some money and jewelry</p> <p>10 in the vehicle. And so it was at that time that we</p> <p>11 had the vehicle -- because it's a very hard</p> <p>12 vehicle -- when it's locked up, it's very hard to</p> <p>13 gain access to.</p> <p>14 So once we received the certified letter,</p> <p>15 and I don't remember which one of our guys, a guy who</p> <p>16 worked for us, I don't remember which one it was,</p> <p>17 opened it up. I was out there when they opened it</p> <p>18 up. And the only thing that was in that vehicle was</p> <p>19 some paperwork and a pair of boxing gloves.</p> <p>20 Now, we could not -- did not gain access to</p> <p>21 the trunk.</p> <p>22 Q So you were present when the car was</p>	35	<p>1 Q Who wrote down the inventory?</p> <p>2 A I did.</p> <p>3 Q Do you recall whether there was a child</p> <p>4 seat in the car?</p> <p>5 A There was not.</p> <p>6 Q How long was the BMW on PAR Services's</p> <p>7 property?</p> <p>8 A I'm going to revert back to the documents</p> <p>9 here. Let's see. We repossessed it on I believe --</p> <p>10 this is a fax copy. It looks like May 20th. Yes.</p> <p>11 May 20th is the date it was repossessed and it was</p> <p>12 delivered to the auction on May 30th. So 5/20, 2014,</p> <p>13 until 5/30, 2014, is when it remained in PAR's</p> <p>14 possession.</p> <p>15 Q Do you know why PAR Services had it for ten</p> <p>16 days?</p> <p>17 A We generally -- whenever we repossess a</p> <p>18 vehicle, it generally sits on our lot until our</p> <p>19 client requests that we deliver it.</p> <p>20 Q So who made the request that it be</p> <p>21 delivered?</p> <p>22 A Dave Freeman requested the delivery.</p>
34	<p>1 opened?</p> <p>2 A I was.</p> <p>3 Q And how was it opened?</p> <p>4 A It's called a break-in kit. It's a wire,</p> <p>5 and they have to -- there's a wedge that they use to</p> <p>6 kind of get the vehicle -- they have to create like a</p> <p>7 pocket so they can get a tool in that unlocks the</p> <p>8 vehicle.</p> <p>9 Q And I'm sorry, did you say you don't</p> <p>10 remember who --</p> <p>11 A I don't remember, no. I don't.</p> <p>12 Q Okay. Do you have multiple employees who</p> <p>13 would use the kit?</p> <p>14 A Yes, we do.</p> <p>15 Q And what was done with the contents of the</p> <p>16 vehicle?</p> <p>17 A The contents of the vehicle? They remained</p> <p>18 in the vehicle. We didn't take the contents out.</p> <p>19 They remained in the vehicle and the vehicle was sent</p> <p>20 to Manheim Auction. We notified NextGear what was in</p> <p>21 there and left it in there. We did not remove</p> <p>22 anything.</p>	36	<p>1 Q And his request was to take it to BW --</p> <p>2 Baltimore-Washington Manheim?</p> <p>3 A Correct. BW Manheim, I get it confused</p> <p>4 too.</p> <p>5 Q And who did Mr. Freeman make that request</p> <p>6 to?</p> <p>7 A He made that request to me directly.</p> <p>8 Q By telephone?</p> <p>9 A Yes. I never met with Mr. Freeman in</p> <p>10 person during this whole process here.</p> <p>11 Q Okay. Did you speak to Mr. Freeman at all</p> <p>12 about Mrs. Mahdavi's claim that she owned the</p> <p>13 vehicle?</p> <p>14 A Yes. I contacted him, because Pentagon</p> <p>15 Federal Credit Union contacted us. So I called him</p> <p>16 and I said, "Dave, I have a credit union calling us</p> <p>17 saying that they own the vehicle, and they have faxed</p> <p>18 me over some information." And that's when Dave said</p> <p>19 "No, there's an ongoing suit that we have with her</p> <p>20 husband," and I didn't really get into it with him.</p> <p>21 I said, "I'll fax you this paper." He</p> <p>22 said, "Don't worry about it, you're fine on your end,</p>

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37	<p>1 the vehicle belongs to us, there's just some other</p> <p>2 issues going on with the dealership that we</p> <p>3 financed."</p> <p>4 Q Other than Dave Freeman, did you ever speak</p> <p>5 to anyone else at NextGear about Mrs. Mahdavi's claim</p> <p>6 that she owns the vehicle?</p> <p>7 A I spoke to Mr. Bragdon like once or twice,</p> <p>8 but just to kind of send him the information and find</p> <p>9 out what was going on with it. You know, just -- it</p> <p>10 was briefly. It wasn't -- you know, I was just</p> <p>11 trying to find out what was going on, because we were</p> <p>12 receiving -- this was prior to us retaining counsel.</p> <p>13 We were receiving stuff from your office,</p> <p>14 and then stuff from the courts; so I was just trying</p> <p>15 to find out what was going on.</p> <p>16 Q So other than Mr. Bragdon, but no employee</p> <p>17 of NextGear other than Dave Freeman?</p> <p>18 A Not that -- no, not that I can recall.</p> <p>19 Q Not Lisa Long?</p> <p>20 A No. I don't -- I don't recall ever</p> <p>21 speaking to her.</p> <p>22 Q All right. After PAR Services delivered</p>	39	<p>1 (PAR Exhibit 6 was marked for</p> <p>2 identification and attached to the deposition</p> <p>3 transcript.)</p> <p>4 BY MR. LEVINE:</p> <p>5 Q That's part of responses to request for</p> <p>6 production of documents. Do you recognize this</p> <p>7 document?</p> <p>8 A I do.</p> <p>9 Q And did you receive this document from</p> <p>10 Pentagon Federal Credit Union?</p> <p>11 A I did.</p> <p>12 Q And do you recall when you received it?</p> <p>13 A I received it the day of the repossession.</p> <p>14 Q And did you provide this document to</p> <p>15 NextGear?</p> <p>16 A I don't know if I sent this -- wait. Yes,</p> <p>17 I did. I did. I faxed this to Dave Freeman, along</p> <p>18 with there was a fax cover sheet that Pentagon</p> <p>19 Federal Credit Union sent to me along with this, and</p> <p>20 I faxed that to Dave the same day.</p> <p>21 Q But the vehicle had already been</p> <p>22 repossessed?</p>
38	<p>1 the vehicle to Baltimore-Washington Manheim, has PAR</p> <p>2 Services ever had any involvement with the BMW</p> <p>3 outside of the litigation?</p> <p>4 A No.</p> <p>5 Q Now, does PAR Services have insurance to</p> <p>6 cover a loss in the event it repossesses a car that</p> <p>7 it's not authorized to do?</p> <p>8 A Yes.</p> <p>9 Q And did you make an insurance claim?</p> <p>10 A I made the insurance claim. I contacted</p> <p>11 our insurance company, because we were named in this</p> <p>12 lawsuit. I originally contacted Mr. Bragdon and</p> <p>13 NextGear to find out what was going on. And when I</p> <p>14 wasn't getting anywhere there, and I kept receiving</p> <p>15 stuff in the mail, that's when I contacted our</p> <p>16 insurance company and advised them that we were being</p> <p>17 named in a lawsuit.</p> <p>18 And I sent them, you know, what information</p> <p>19 I had. And then that's when they retained counsel on</p> <p>20 our behalf.</p> <p>21 Q If you can look at what's been marked as</p> <p>22 PAR 6.</p>	40	<p>1 A Correct. Yes. This all came about after</p> <p>2 the day it was repossessed.</p> <p>3 Q And do you know who at Pentagon Federal</p> <p>4 Credit Union sent this to you?</p> <p>5 A Can I look back here? It's on the fax</p> <p>6 cover sheet. It was sent from George Davis.</p> <p>7 Q Okay.</p> <p>8 A That's whose name was on the fax cover</p> <p>9 sheet.</p> <p>10 Q All right. And whose notes are those at</p> <p>11 the bottom of the -- if you look at PAR 6, at the</p> <p>12 bottom.</p> <p>13 A Those are my notes. They were given to me</p> <p>14 by Pentagon Federal Credit Union.</p> <p>15 Q And the vehicle was still on your lot when</p> <p>16 this was given to you?</p> <p>17 A Correct.</p> <p>18 Q Did NextGear ever show you the title that</p> <p>19 they possessed to the BMW?</p> <p>20 A No, I never received a copy of that.</p> <p>21 Q So is this the only title that you ever saw</p> <p>22 to the BMW?</p>

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11 (Pages 41 to 44)

41	<p>1 <b>A It is.</b></p> <p>2 MR. MARKELS: Objection. Not reflected</p> <p>3 there, and irrelevant. Go ahead and answer to the</p> <p>4 extent you can.</p> <p>5 <b>A I believe this is, yes, the only copy that</b></p> <p>6 <b>I saw.</b></p> <p>7 BY MR. LEVINE:</p> <p>8 Q Okay. Other than this document, did you</p> <p>9 see any other documents that would have indicated</p> <p>10 ownership of the BMW?</p> <p>11 MR. MARKELS: Again, objection. That's not</p> <p>12 what it states. But go ahead and answer as best you</p> <p>13 can.</p> <p>14 <b>A Can you repeat the question?</b></p> <p>15 BY MR. LEVINE:</p> <p>16 Q Other than this document, did you see any</p> <p>17 other document that would indicate ownership of the</p> <p>18 BMW?</p> <p>19 MR. MARKELS: Same objection. Go ahead.</p> <p>20 <b>A Nothing with Ms. Mahdavi's name on it. No.</b></p> <p>21 <b>This is the only -- again, the only title that I</b></p> <p>22 <b>recall seeing with anybody's name on it.</b></p>	43	<p>1 <b>(PAR Exhibit 7 was marked for</b></p> <p>2 <b>identification and attached to the deposition</b></p> <p>3 <b>transcript.)</b></p> <p>4 BY MR. LEVINE:</p> <p>5 Q If you could look at what's been marked as</p> <p>6 PAR 7.</p> <p>7 <b>A Okay.</b></p> <p>8 Q Do you recognize this document?</p> <p>9 <b>A I do.</b></p> <p>10 Q And had you seen this letter prior to</p> <p>11 preparing for the deposition?</p> <p>12 <b>A Yes. This is the letter that I received or</b></p> <p>13 <b>that PAR had received via certified mail. And this</b></p> <p>14 <b>is the letter that prompted us to go into the vehicle</b></p> <p>15 <b>to see if there were any belongings in there. And</b></p> <p>16 <b>that's how we determined there was no money and no</b></p> <p>17 <b>jewelry.</b></p> <p>18 Q Now, if Pentagon Federal Credit Union sent</p> <p>19 you information on the 20th, regarding its interest</p> <p>20 in the vehicle, why did you wait until you received</p> <p>21 this letter before going into the car to inventory</p> <p>22 it?</p>
42	<p>1 BY MR. LEVINE:</p> <p>2 Q Okay. So you didn't see any document that</p> <p>3 had NextGear's name on it stating that it owned or</p> <p>4 had an interest in the BMW?</p> <p>5 <b>A The email that was forwarded to us.</b></p> <p>6 Q And nothing else besides the email?</p> <p>7 <b>A No.</b></p> <p>8 Q Did Mr. Kelley ever tell you any statements</p> <p>9 that Mrs. Mahdavi made to him?</p> <p>10 <b>A No.</b></p> <p>11 Q Has PAR Services done any investigation on</p> <p>12 whether or not Mrs. Mahdavi owns the BMW?</p> <p>13 <b>A No. We were always contacted by Pentagon</b></p> <p>14 <b>Federal Credit Union or your attorneys' office.</b></p> <p>15 Q So is it fair to say that what PAR Services</p> <p>16 knows about Mrs. Mahdavi's interest in the vehicle,</p> <p>17 it only knows what others have told it?</p> <p>18 <b>A Correct.</b></p> <p>19 Q And does PAR Services have any information</p> <p>20 that would show that Mrs. Mahdavi was involved in any</p> <p>21 fraudulent activity with respect to the BMW?</p> <p>22 <b>A We would have no knowledge of that.</b></p>	44	<p>1 <b>A Repeat that again. I'm sorry.</b></p> <p>2 Q If you knew that Pentagon Federal Credit</p> <p>3 Union was claiming interest in the vehicle, but you</p> <p>4 didn't do an inventory at that time?</p> <p>5 <b>A Well, the driver did a condition report and</b></p> <p>6 <b>indicated on the condition report that the vehicle</b></p> <p>7 <b>was locked. We didn't have any need to go into the</b></p> <p>8 <b>vehicle at that time. We didn't feel a need to go</b></p> <p>9 <b>into the vehicle until we received this letter.</b></p> <p>10 Q And why did you feel a need to do it</p> <p>11 because of the letter?</p> <p>12 <b>A Because the customer -- Ms. Mahdavi, was</b></p> <p>13 <b>insinuating that there was money and a Cartier watch</b></p> <p>14 <b>in the vehicle. So at that time, we felt that it was</b></p> <p>15 <b>necessary to check into the vehicle, to get into the</b></p> <p>16 <b>vehicle to see if there was any of these items in</b></p> <p>17 <b>there. You know, when somebody says there's money or</b></p> <p>18 <b>a watch, then -- other than that, we try to stay out</b></p> <p>19 <b>of the vehicle as much as possible unless we need to</b></p> <p>20 <b>go into the vehicle.</b></p> <p>21 Q The vehicle was on PAR Services's secured</p> <p>22 lot?</p>

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12 (Pages 45 to 48)

45	<p>1       <b>A    Correct.</b></p> <p>2       <b>Q    So if the vehicle would have stayed locked,</b></p> <p>3       <b>nothing would have been removed from the vehicle?</b></p> <p>4       <b>A    Correct.</b></p> <p>5       <b>Q    So why did you feel the need to open the</b></p> <p>6       <b>vehicle, again?</b></p> <p>7       <b>A    Again, you know, when Ms. Mahdavi is</b></p> <p>8       <b>claiming there is \$2500 and a Cartier watch in the</b></p> <p>9       <b>vehicle, before that vehicle leaves to go to auction,</b></p> <p>10       <b>we want to see if these items are actually in there,</b></p> <p>11       <b>because once it leaves our lot and goes to the</b></p> <p>12       <b>auctions, you know, at that point if these items were</b></p> <p>13       <b>in there and it went to the auction, the auction</b></p> <p>14       <b>could easily come back and say no, this vehicle was</b></p> <p>15       <b>delivered here, there was nothing in the vehicle.</b></p> <p>16       <b>So we needed to remove that liability from</b></p> <p>17       <b>us.</b></p> <p>18       <b>Q    Do you only inventory vehicles if a vehicle</b></p> <p>19       <b>owner makes an allegation that there's specific</b></p> <p>20       <b>contents in it?</b></p> <p>21       <b>A    No. The vehicle is inventoried when it's</b></p> <p>22       <b>repossessed. If they cannot get into the vehicle,</b></p>	47	<p>1       determination?</p> <p>2       <b>A    No. But when we received the letter, we</b></p> <p>3       <b>immediately went into the vehicle, so they didn't</b></p> <p>4       <b>unlock it the day before it was going to the auction.</b></p> <p>5       <b>We got the vehicle on the 20th. And when did we</b></p> <p>6       <b>receive the letter? The 23rd. So -- or whatever</b></p> <p>7       <b>date the -- was it the 23rd?</b></p> <p>8       <b>She sent the letter -- I don't know if we</b></p> <p>9       <b>received it on the 23rd or if that's the date that</b></p> <p>10       <b>she wrote it. Oh, the 23rd. That's the day we went</b></p> <p>11       <b>into it. The day that we received the letter.</b></p> <p>12       <b>Q    Do you have any knowledge of NextGear's</b></p> <p>13       <b>claims against BW Auto?</b></p> <p>14       <b>A    No.</b></p> <p>15       <b>Q    Has PAR Services had any involvement in the</b></p> <p>16       <b>litigation between NextGear services and BW Auto?</b></p> <p>17       <b>A    No.</b></p> <p>18       <b>Q    You haven't had to give any testimony in</b></p> <p>19       <b>that matter?</b></p> <p>20       <b>A    No.</b></p> <p>21       <b>Q    Provide any documents?</b></p> <p>22       <b>A    No. The only documents that I've provided</b></p>
46	<p>1       <b>they have to put in that it's locked. If they can</b></p> <p>2       <b>see items through the window, they'll write it on the</b></p> <p>3       <b>condition report. Prior to a vehicle going into the</b></p> <p>4       <b>auction, we have to clean all the personal property</b></p> <p>5       <b>-- and that's another reason, we have to clean all</b></p> <p>6       <b>the personal property out of the vehicle prior to</b></p> <p>7       <b>sending it to the auction.</b></p> <p>8       <b>We have to make our best effort to get into</b></p> <p>9       <b>the vehicle if it's locked, because the vehicles</b></p> <p>10       <b>technically cannot be sent to the auction without the</b></p> <p>11       <b>property. But with this particular vehicle, with</b></p> <p>12       <b>everything that was going on, you know, it was</b></p> <p>13       <b>unlocked, we did an inventory report, we told Dave</b></p> <p>14       <b>what was in it, he told us leave whatever is in there</b></p> <p>15       <b>in there, and send it to the auction.</b></p> <p>16       <b>Which there wasn't anything in there other</b></p> <p>17       <b>than a set of boxing gloves and some paperwork.</b></p> <p>18       <b>Q    But if the letter didn't come in and it was</b></p> <p>19       <b>going to auction, you would have opened the vehicle</b></p> <p>20       <b>and inventoried it?</b></p> <p>21       <b>A    Yes. Yes.</b></p> <p>22       <b>Q    So you didn't need the letter to make the</b></p>	48	<p>1       <b>have been to our attorney and the documents that I</b></p> <p>2       <b>had -- that are in here that were sent to Dave</b></p> <p>3       <b>Freeman.</b></p> <p>4       <b>Q    Do you know who PAR Services dealt with at</b></p> <p>5       <b>Manheim when the BMW was being delivered?</b></p> <p>6       <b>A    Not specifically. They would have dropped</b></p> <p>7       <b>it off, and when they go to the gate, they check the</b></p> <p>8       <b>vehicle in, get their condition report stamped, and</b></p> <p>9       <b>then they are told where to put the vehicle at.</b></p> <p>10       <b>Q    So the document that's PAR Services 000079?</b></p> <p>11       <b>A    Yes. I don't have a number on the bottom</b></p> <p>12       <b>here, but I'll take your word for it.</b></p> <p>13       <b>Q    This.</b></p> <p>14       <b>A    That's it, yes.</b></p> <p>15       <b>Q    What's Securitas Security?</b></p> <p>16       <b>A    That's just the Spanish and English.</b></p> <p>17       <b>Q    That's not a company name?</b></p> <p>18       <b>A    No. It's security -- I'm assuming --</b></p> <p>19       <b>because they have Spanish speaking drivers, so I'm</b></p> <p>20       <b>almost certain -- does anybody know Spanish in the</b></p> <p>21       <b>room? I think that's Spanish for "security."</b></p> <p>22       <b>Q    Where it says "Subject to inspection,"</b></p>



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49	<p>1 "date, time, and security," there's no Spanish.</p> <p>2 <b>A No, sir, I don't know, is that a Spanish</b></p> <p>3 <b>word? I'm just asking. I don't know. Is that</b></p> <p>4 <b>"security" in Spanish?</b></p> <p>5 <b>Q I don't know.</b></p> <p>6 <b>A This is the auction -- this is what they</b></p> <p>7 <b>stamped on here.</b></p> <p>8 <b>Q Okay. And it says in handwriting above</b></p> <p>9 <b>that, "Deliv to BW," it looks like "AE."</b></p> <p>10 <b>A Right.</b></p> <p>11 <b>Q What's BWAE?</b></p> <p>12 <b>A Baltimore-Washington Auto Exchange.</b></p> <p>13 <b>Q And is that Manheim?</b></p> <p>14 <b>A It is.</b></p> <p>15 <b>Q Did you ever speak to George Davis at</b></p> <p>16 <b>Pentagon Federal?</b></p> <p>17 <b>A Yes, I did. He's the one that initiated</b></p> <p>18 <b>the -- kind of got the ball rolling, I guess.</b></p> <p>19 <b>Q And what was your conversation with him?</b></p> <p>20 <b>A He contacted our office and stated that we</b></p> <p>21 <b>repossessed the vehicle and that they did not order</b></p> <p>22 <b>the repossession. And I pulled up Pentagon Federal</b></p>	51	<p>1 <b>person that gave me this information here.</b></p> <p>2 <b>Q Why was she giving you information about</b></p> <p>3 <b>Mrs. Mahdavi's employer?</b></p> <p>4 <b>A She was just giving me information on</b></p> <p>5 <b>Ms. Mahdavi. I explained to her we picked up the car</b></p> <p>6 <b>for NextGear. She was saying, "No, we have this loan</b></p> <p>7 <b>through somebody else," and she gave me the</b></p> <p>8 <b>information that she had. You know, it wasn't</b></p> <p>9 <b>something that I requested. She just said, "Here's</b></p> <p>10 <b>the information that I have, this is our vehicle that</b></p> <p>11 <b>we financed and this is what we have on file."</b></p> <p>12 <b>Q When you say this is what we have financed,</b></p> <p>13 <b>did she give you information about the loan,</b></p> <p>14 <b>Mrs. Mahdavi's loan?</b></p> <p>15 <b>A No. Well, they sent over the title. And I</b></p> <p>16 <b>don't know if the loan information is on the cover</b></p> <p>17 <b>sheet. But she just said that they had a -- that</b></p> <p>18 <b>that car was currently -- they held the note on that</b></p> <p>19 <b>car.</b></p> <p>20 <b>Q Okay.</b></p> <p>21 <b>A So repossession verification. Okay. So</b></p> <p>22 <b>they just sent the verification sheet. So no, they</b></p>
50	<p>1 <b>Credit Union in our system and I saw that we didn't</b></p> <p>2 <b>have any vehicles for them currently on our lot. And</b></p> <p>3 <b>so that's when I pulled up the last six of the VIN</b></p> <p>4 <b>number, and then saw that it was for NextGear.</b></p> <p>5 <b>Q And you provided that information to him?</b></p> <p>6 <b>A I did.</b></p> <p>7 <b>Q Did you just have one --</b></p> <p>8 <b>A Actually no. I did not provide that</b></p> <p>9 <b>information to him. I told him I would need to get</b></p> <p>10 <b>his number and contact him back. Because at that</b></p> <p>11 <b>point, I didn't know if it was him. We get people</b></p> <p>12 <b>that call in all the time and say they're this person</b></p> <p>13 <b>or that person.</b></p> <p>14 <b>So I needed to be able to identify that</b></p> <p>15 <b>that was actually Pentagon Federal Credit Union and</b></p> <p>16 <b>that it wasn't a bogus call. So I told him I would</b></p> <p>17 <b>call him back. So I found a number for Pentagon</b></p> <p>18 <b>Federal Credit Union that I knew was a good number.</b></p> <p>19 <b>I contacted that number. And that time I actually</b></p> <p>20 <b>got a woman on the phone who I spoke with.</b></p> <p>21 <b>Q Do you recall who that person was?</b></p> <p>22 <b>A I don't remember her name. She's the</b></p>	52	<p>1 <b>didn't send me the terms of the contract or anything</b></p> <p>2 <b>like that.</b></p> <p>3 <b>Q Okay. So they -- what number is that,</b></p> <p>4 <b>PAR...</b></p> <p>5 <b>A 6.</b></p> <p>6 <b>Q 6. That was sent to you as a followup to</b></p> <p>7 <b>your conversation with David George -- George Davis?</b></p> <p>8 <b>A Correct. He faxed this information over.</b></p> <p>9 <b>He faxed it over and called. And that's when I</b></p> <p>10 <b>followed up and contacted Pentagon and spoke with the</b></p> <p>11 <b>woman there. And I don't remember her name.</b></p> <p>12 <b>Q And did anyone at Pentagon Federal Credit</b></p> <p>13 <b>Union tell you -- give you any instructions on what</b></p> <p>14 <b>to do with the vehicle?</b></p> <p>15 <b>A No.</b></p> <p>16 <b>Q Did you ask for any instructions from them?</b></p> <p>17 <b>A No. I gave them NextGear's information and</b></p> <p>18 <b>advised them to contact NextGear.</b></p> <p>19 <b>Q And then you never heard back from Pentagon</b></p> <p>20 <b>Federal?</b></p> <p>21 <b>A No.</b></p> <p>22 <b>MR. LEVINE: That's all I've got.</b></p>



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53	55
<div>1MR. BRAGDON: Nothing.</div> <div>2MR. MARKELS: Done. We'll read.</div> <div>3THE REPORTER: Mr. Markels, are you</div> <div>4ordering a copy of this transcript?</div> <div>5MR. MARKELS: Yes.</div> <div>6THE REPORTER: And Mr. Bragdon?</div> <div>7MR. BRAGDON: Yes.</div> <div>8(Signature having not been waived, the</div> <div>9deposition of PAR SERVICES, INC., By and through its</div> <div>10Corporate Designee, APRIL MARIE RECTOR, was concluded</div> <div>11at 3:39 p.m.)</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div>	<div>1CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC</div> <div>2I, Lee Bursten, the officer before whom the</div> <div>3foregoing deposition was taken, do hereby certify</div> <div>4that the foregoing transcript is a true and correct</div> <div>5record of the testimony given; that said testimony</div> <div>6was taken by me stenographically and thereafter</div> <div>7reduced to typewriting under my direction; that</div> <div>8reading and signing was requested; and that I am</div> <div>9neither counsel for, related to, nor employed by any</div> <div>10of the parties to this case and have no interest,</div> <div>11financial or otherwise, in its outcome.</div> <div>12IN WITNESS WHEREOF, I have hereunto set my</div> <div>13hand and affixed my notarial seal this 27th day of</div> <div>14November, 2014.</div> <div>15My commission expires June 30, 2019.</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20LEE BURSTEN</div> <div>21NOTARY PUBLIC IN AND FOR</div> <div>22THE DISTRICT OF COLUMBIA</div>
54	
<div>1ACKNOWLEDGEMENT OF DEPONENT</div> <div>2I, APRIL MARIE RECTOR, do hereby</div> <div>3acknowledge that I have read and examined the</div> <div>4foregoing testimony, and the same is a true, correct</div> <div>5and complete transcription of the testimony given by</div> <div>6me, and any corrections appear on the attached Errata</div> <div>7sheet signed by me.</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div>	

<b>A</b>	1:9	19:6	52:19	<b>bottom</b>
<b>able</b>	<b>Alexandria</b>	<b>assisted</b>	<b>badge</b>	22:2 40:11,12
9:16 11:11,16	1:3	19:4,9	18:9	48:11
23:18 50:14	<b>allegation</b>	<b>assume</b>	<b>ball</b>	<b>boxing</b>
<b>access</b>	11:6 13:10 45:19	12:4 30:14 32:5	49:18	33:19 46:17
33:13,20	<b>ALLNUTT</b>	<b>assumed</b>	<b>Baltimore</b>	<b>Bragdon</b>
<b>accident</b>	3:4	17:12	3:20	3:17 37:7,16
12:17	<b>allowed</b>	<b>assuming</b>	<b>Baltimore-Was...</b>	38:12 53:1,6,7
<b>accurate</b>	18:3	28:7 48:18	36:2 38:1 49:12	<b>breach</b>
19:11,14 20:5	<b>answer</b>	<b>Atchison</b>	<b>barring</b>	29:5
<b>acknowledge</b>	8:4,18 11:5,11	33:2	21:6	<b>break</b>
54:3	19:3 21:7 31:11	<b>attached</b>	<b>basically</b>	10:6 22:11
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54:1	<b>answered</b>	19:16 20:11	<b>basis</b>	34:4
<b>acting</b>	19:4	21:2 39:2 43:2	14:14	<b>briefly</b>
15:22	<b>answers</b>	54:6	<b>Bates</b>	37:10
<b>activity</b>	4:11 11:17 19:11	<b>attachment</b>	22:15	<b>brother</b>
42:21	<b>anybody</b>	26:6	<b>behalf</b>	25:17
<b>add</b>	13:18 48:20	<b>attempted</b>	3:2,9,16 38:20	<b>Bursten</b>
20:20	<b>anybody's</b>	16:18	<b>believe</b>	1:22 2:15 55:2,20
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21:1 23:1	<b>appreciate</b>	13:21 42:14	<b>belongings</b>	<b>BW</b>
<b>address</b>	8:12	<b>attorney's</b>	43:15	36:1,3 47:13,16
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28:9,10,12 29:4	17:10	<b>auction</b>	37:1	<b>BWAE</b>
<b>administering</b>	<b>approximately</b>	34:20 35:12 45:9	<b>best</b>	49:11
2:18	12:10	45:13,13 46:4,7	11:17 19:12 20:4	
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16:22 17:18	1:15 2:2 4:2 5:2,8	47:4 49:6	<b>big</b>	<b>C</b>
38:16 52:18	53:10 54:2	<b>auctions</b>	14:7	1:5 3:1 4:1 5:1
<b>AE</b>	<b>April/May</b>	45:12	<b>bit</b>	<b>call</b>
49:9	24:4	<b>authorized</b>	10:7	26:19 50:12,16,17
<b>affixed</b>	<b>Arlington</b>	38:7	<b>block</b>	<b>called</b>
55:13	3:6	<b>Auto</b>	17:11	7:20 25:11 34:4
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